

REMARKS

Claims 46, 47, 53, 54, 58-60 and 64 have been amended to improve form. Claims 46-69 remain pending.

Regarding the claim for priority, Applicants respectfully submit that the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120 have been met as numerous pages of provisional application 60/090,028 disclose multiplexing.

In the non-final Office Action, the Examiner rejects claims 46, 47 and 59 under 35 U.S.C. § 102(e) as allegedly anticipated by Vogel (U.S. Patent 6,075,788); reject claims 48-58 and 60-69 under 35 U.S.C. § 103(a) as unpatentable over Vogel further in view of Schmidt (U.S. Patent 6,205,154); rejects claims 46, 47 and 59 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5, and 8 of Bromley et al. (U.S. Patent No. 6,658,021, which is the parent case of the present application) in view of Vogel; and rejects claims 48-58 and 60-69 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5, and 8 of Bromley et al. in view of Vogel and Schmidt. Applicants respectfully traverse these rejections.

Claims 46, 47 and 59 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Vogel. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Vogel does not disclose or suggest the combination of features recited in claims 46, 47 and 59.

Amended independent claim 46 is directed to a device comprising: a demultiplexer configured to receive a channelized synchronous optical network (SONET) data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream; and a line card coupled to the demultiplexer and configured to provide the demultiplexer with the channelized SONET data stream. Applicants respectfully submit that Vogel does not disclose or suggest this combination of features.

For example, Vogel does not disclose or suggest a demultiplexer configured to receive a channelized synchronous optical network (SONET) data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream, as recited in claim 46. The Office Action (page 3) relies on col. 5, line 25 to col. 6, line 61 of Vogel to reject all the features recited in claim 46. Applicants disagree with the Examiner's interpretation of Vogel.

Vogel at col. 5, line 25 to col. 6, line 61 discloses that device 30 of Fig. 2 operates in one of three modes. Specifically, two modes under the heading "1. Transmitting ATM Cells in SONET SPEs," include two separate and distinct modes "a. Standard ATM Mode" and "b. Transmitting PPP in ATM Cells in SONET SPEs" which create ATM data streams. The third mode disclosed by Vogel under the heading "2. Transmitting PPP from a UTOPIA Interface in SONET SPEs," creates a POS data stream. The three modes of device 30 disclosed in Vogel do not operate simultaneously and the framer block 46 does not separate a channelized SONET data

stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream, as recited in claim 46. Further, the Office Action (page 9), in the rejection of claim 65, states “Vogel does not expressly call for: combining the POS data stream and the ATM stream into single data stream.” Therefore, Applicants respectfully submit that Vogel does not disclose or suggest a demultiplexer configured to receive a channelized synchronous optical network (SONET) data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream, as recited in claim 46.

Therefore, Applicants respectfully submit that Vogel does not anticipate claim 46. Accordingly, withdrawal of the rejection and allowance of claim 46 are respectfully requested.

Claim 47 depends from claim 46. Applicants submit that this claims is allowable for at least the reasons as set forth above with respect to claim 46.

Independent claim 59 recites features similar to, but of different scope than, claim 46. For reasons similar to those discussed above with respect to claim 46, Applicants submit that claim 59 is patentable over Vogel. Accordingly, withdrawal of the rejection and allowance of claim 59 are respectfully requested.

Claims 48-58 and 60-69 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Vogel in view of Schmidt. Applicants respectfully traverse this rejection.

Claims 48-52 depend from claim 46. The disclosure of Schmidt does not remedy the deficiencies in the disclosure of Vogel discussed above with respect to claim 46. Therefore,

Applicants submit that claims 48-52 are allowable for at least the reasons as set forth above with respect to claim 46. Accordingly, withdrawal of the rejection and allowance of claims 48-52 are respectfully requested.

Independent claim 53 recites features similar to, but of different scope than, claim 46. For reasons similar to those discussed above with respect to claim 46, Applicants submit that Vogel does not disclose each of the features of claim 53. Applicants further submit that the disclosure of Schmidt does not remedy the deficiencies of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 53 are respectfully requested.

Claims 54-58 depend from claim 53. Applicants submit that these claims are allowable for at least the reasons as set forth above with respect to claim 53.

Claims 60-64 depend from claim 59. The disclosure of Schmidt does not remedy the deficiencies in the disclosure of Vogel discussed above with respect to claim 59. Therefore, Applicants submit that claims 60-64 are allowable for at least the reasons as set forth above with respect to claim 59. Accordingly, withdrawal of the rejection and allowance of claims 60-64 are respectfully requested.

Independent claim 65 recites features similar to, but of different scope than, claim 46. For reasons similar to those discussed above with respect to claim 46, Applicants submit that Vogel does not disclose each of the features of claim 65. For example, the Office Action (page 9), in the rejection of claim 65, states “Vogel does not expressly call for: combining the POS data stream and the ATM stream into single data stream.” Applicants further submit that the disclosure of Schmidt does not remedy the deficiencies of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 65 are respectfully requested.

Claims 66-69 depend from claim 65. Applicants submit that these claims are allowable for at least the reasons as set forth above with respect to claim 65. Accordingly, withdrawal of the rejection and allowance of claims 66-69 are respectfully requested.

Claims 46, 47 and 59 stand rejected on the ground of nonsatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 5 and 8 of Bromley et al. (U.S. Patent 6,658,021) in view of Vogel. Applicants respectfully traverse this rejection.

For example, claims 1, 3, 5, and 8 of Bromley et al. do not recite a demultiplexer configured to receive a channelized SONET data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream, as required by amended claim 46 of the present application. Instead, claim 1 of Bromley et al. recites an input port for receiving the data, the data being formatted as SONET frames that contain data encapsulated in one of multiple formats within the SONET frames, and decapsulation logic configured to delineate the multiple formats to identify particular ones of the multiple formats and configured to decapsulate the delineated data in the multiple formats into a packet format used in the forwarding node, the decapsulation logic performing the delineation and decapsulation without executing processor instructions (col. 16, lines 19-30). Claim 3 of Bromley et al. recites that the decapsulation logic includes a delineator for delineating Asynchronous Transfer Mode (ATM) cells in the data (col. 16, lines 35-37). Claim 5 of Bromley et al. recites that the decapsulation logic extracts Internet Protocol (IP) packets from the data. Claim 8 of Bromley et al. recites that the decapsulation logic includes a Point to Point Protocol (PPP) deframer for deframing PPP frames.

The Examiner alleges that the “decapsulation logic” recited in claims 1, 3, 5, and 8 of Bromley et al. (Office Action, page 12) is equivalent to the demultiplexer recited in claim 46 of the present application. Applicants respectfully disagree with the Examiners interpretation of Bromley et al.

Bromley et al. discloses a receive ASIC 70 on line card 59 that decapsulates data and determines how to direct data in an input data stream, and a transmit ASIC 64 on line card 53 that encapsulates the data in a format that is appropriate for a destination (col. 6, line 67 – col. 7, line 6). Bromley et al. further discloses a SONET multiplexer 50 that multiplexes four OC-12 data streams into an OC-48 data stream, and demultiplexers 50 and 52 positioned at feeds of output ports that take OC-48 from the line card and split it into constituent tributaries, such as OC-12, OC-3 or OS-3 tributaries (col. 6, lines 53-62). As shown by these disclosures, decapsulation is provided by ASIC 70 and not by demultiplexers 50 and 52. Fig. 7 of Bromley et al. further provides proof of the distinction between demultiplexing and decapsulation. For example, Fig. 7 shows that an OC-48 input data stream 90 is first demultiplexed 92 into separate tributaries or channels, and subsequently, packets are decapsulated 94 (col. 7, lines 26-35).

In light of the above, Applicants respectfully submit that the “decapsulation logic” recited in claims 1, 3, 5, and 8 of Bromley et al. does not correspond to a demultiplexer configured to receive a channelized SONET data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams simultaneously including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream and a line card coupled to the demultiplexer and configured to provide the demultiplexer with the channelized SONET data stream, as required by claim 46 of

the present application. Applicants also respectfully submit that Vogel does not remedy the deficiencies of Bromley as discussed above.

For at least these reasons, Applicants submit that claim 46 is patentably distinct from claims 1, 3, 5 and 8 of Bromley et al. in view of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 46 are respectfully requested.

Claim 47 depends from claim 46 and is, therefore, patentably distinct from Bromley et al. and Vogel, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 46. Accordingly, withdrawal of the rejection and allowance of claim 47 are respectfully requested.

Independent claim 59 recites features similar to, but of different scope than, claim 46. For reasons similar to those discussed above with respect to claim 46, Applicants submit that claim 59 is patentably distinct from claims 1, 3, 5 and 8 of Bromley et al. in view of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 59 are respectfully requested.

Claims 48-58 and 60-69 stand rejected on the ground of nonsatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 5 and 8 of Bromley et al. in view of Vogel and Schmidt. Applicants respectfully traverse this rejection.

Claims 48-52 depend from claim 46. The disclosure of Schmidt does not remedy the deficiencies in the disclosure of Bromley et al. and Vogel discussed above with respect to claim 46. Therefore, Applicants submit that claims 48-52 are allowable for at least the reasons as set forth above with respect to claim 46. Accordingly, withdrawal of the rejection and allowance of claims 48-52 are respectfully requested.

Independent claim 53 recites features similar to, but of different scope than, claim 46.

For reasons similar to those discussed above with respect to claim 46, Applicants submit that claim 53 is patentably distinct over claims 1, 3, 5 and 8 of Bromley et al. in view of Vogel. Applicants further submit that the disclosure of Schmidt does not remedy the deficiencies of Bromley et al. in view of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 53 are respectfully requested.

Claims 54-58 depend from claim 53. Applicants submit that these claims are allowable for at least the reasons as set forth above with respect to claim 53. Accordingly, withdrawal of the rejection and allowance of claims 54-58 are respectfully requested.

Claims 60-64 depend from claim 59. The disclosure of Schmidt does not remedy the deficiencies in the disclosure of Bromley et al. and Vogel discussed above with respect to claim 59. Therefore, Applicants submit that claims 60-64 are allowable for at least the reasons as set forth above with respect to claim 59. Accordingly, withdrawal of the rejection and allowance of claims 60-64 are respectfully requested.

Independent claim 65 recites features similar to, but of different scope than, claim 46. For reasons similar to those discussed above with respect to claim 46, Applicants submit that claim 65 is patentable over claims 1, 3, 5 and 8 of Bromley et al. in view of Vogel. Applicants further submit that the disclosure of Schmidt does not remedy the deficiencies of Bromley et al. in view of Vogel. Accordingly, withdrawal of the rejection and allowance of claim 65 are respectfully requested.

Claims 66-69 depend from claim 65. Applicants submit that these claims are allowable for at least the reasons as set forth above with respect to claim 65. Accordingly, withdrawal of the rejection and allowance of claims 66-69 are respectfully requested.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 46-69 as allegedly unpatentable over claims 1, 3, 5, and 8 of Bromley et al., in view of Vogel and Schmidt.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 46-69.

As Applicants' amendments and remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: August 20, 2008

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